

**REMARKS**

Claims 1-21 remain pending in this application.

In the Office Action, claims 1-3, 5-13 and 15-21 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,804,246 (Petersen et al.). Claims 4 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of U.S. Patent No. 6,628,641 (Strawczynski).

**Response to Arguments**

In the response to arguments of the Office action on page 6, the Examiner states that Applicant's arguments filed March 7, 2006 have been fully considered but are not persuasive. In maintaining that Petersen et al. discloses an AAL transmitter that generates one or more AAL cells by multiplexing N AAL packets generated by adding an AAL packet header to an  $i^{th}$  data subset of an original user data set, the Examiner states that the value of  $N = 1$  meets the amended claim limitation  $N \geq 1$  and then uses disclosure in Applicant's specification to narrow the limitations in the claims of the present application. However, this is improper under 35 U.S.C. laws and current case law. The Examiner can not use Applicant's own specification as a "road map" to find the claimed features. As stated in In re Gorman, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991), the references themselves must provide some teaching whereby the Applicant's combination would have been obvious. The Examiner is not allowed to take Applicant's specification and read limitations from the specification into the claims. Further, this does not address Applicant's arguments in Applicant's previously filed response that

Petersen et al. discloses demultiplexing whereas in contrast, the limitations in the claims of the present application relate to multiplexing. Clearly one of ordinary skill in the art would understand the differences in these two terms. Moreover, it appears that the Examiner attempts to redefine the term “multiplexer” by inserting the word “serially” in front of the term “multiplexing”. A multiplexer by definition receives multiple parallel inputs and provides a single output.

Further, as noted in Applicant’s previously filed response, Petersen et al. discloses demultiplexing of an ATM cell, whereas in contrast, the limitations in the claims of the present application relate to multiplexing a AAL packets. Further, these limitations in the claims of the present application relate to an AAL packet and cells whereas in contrast, Petersen et al. discloses an ATM cell having AAL2 protocol.

The Examiner further maintains that Petersen et al. discloses demultiplexing an AAL packets and thus restoring the original user data set. The Examiner states that Applicant’s argument is based on data transmission in the download direction whereas the claim rejection is based on the reverse uplink direction. However, Applicant’s arguments are based on the portions of Petersen et al. asserted by the Examiner as disclosing these limitations on page 3, of the previous Office Action. If these portions are incorrect, Applicant respectfully requests the Examiner to provide further portions of Petersen et al. that allegedly disclosed the limitations in Applicant’s claims. Moreover, the Examiner provides no portions of Petersen et al. that discloses or suggests restoring the original user data set. In addition, on page 8 of the current

Office Action, the Examiner appears to reverse his previous comments and state that in Petersen et al. in the downlink receiving process of CHU, it demultiplexes. This is in contrast to the Examiner's assertion that demultiplexing packets and restoring the original user data set was rejected based on the uplink direction (see page 7).

**35 U.S.C. § 102 Rejections**

Claims 1-3, 5-13 and 15-21 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Petersen et al. Applicant respectfully traverses these rejections.

To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently. In re Schreiber, 128 F.3d 1473, 1477, 44 U.S.P.Q.2d (BNA) 1429, 1431 (Fed. Cir. 1997). The identical invention must be shown in as complete detail as is contained in the . . . claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. §2131. The elements must be arranged as required by the claim. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. §2131. It is respectfully submitted that the Examiner has not met the required legal burden as set forth by the courts to substantiate valid rejections under 35 U.S.C. 102(e).

Regarding claims 1, 6, 11 and 16, Applicant submits that Peterson et al. does not disclose or suggest the limitations in the combination of each of these claims. For example, the Examiner asserts that Petersen et al. discloses an AAL transmitter that generates one or more AAL cells by multiplexing N AAL packets, generated by adding an AAL packet header to an i<sup>th</sup> data subset of an original user dataset, in Figure 7A, reference character 42-35 and Figure 4.

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However, these portions merely disclose a transmitter/receiver board that is included in a base station, and a diagram showing the demultiplexing of an ATM cell having AAL2 protocol into an ATM cell having AAL2 prime protocol where the ATM cell includes an ATM header. This is not an AAL transmitter that generates one or more AAL cells by multiplexing N AAL packets, as recited in the claims of the present application. In contrast, these portions disclose demultiplexing of an ATM cell. Moreover, these portions do not disclose or suggest AAL packets generated by adding an AAL packet header to an  $i^{th}$  data subset of an original user data set. These portions do not disclose or suggest an original user data set or generating packets by adding an AAL packet header to an  $i^{th}$  data subset of an original data user dataset.

The Examiner further asserts that Petersen et al. discloses an AAL receiver that restores the original user data set by demultiplexing the N AAL packets, in Figure 7A, CHU reference character 42-32, col. 11, lines 23-26, and Figure 11 reference characters 260 and 262. However, these portions merely disclose a cell handling unit where ATM cells with AAL2 packets are demultiplexed into the AAL2 prime protocol (see, col. 12, lines 60-62), that the cell handling unit terminates the AAL2 link, and an ATM demultiplexing function which interfaces to AAL2 prime mapping function. This is not an AAL receiver that restores the original user dataset by demultiplexing the N AAL packets, as recited in the claims of the present application. Petersen et al. merely discloses a cell handling unit that demultiplexed ATM cells with AAL2 packets into the AAL2 prime protocol. Petersen does not disclose or suggest demultiplexing N AAL packets and thus restoring the original user dataset.

In addition, the Examiner asserts Petersen et al. discloses an AAL2 transmitter that generated one or more of the AAL2 cells by multiplexing M common part sublayer packets, generated by adding a CPS packet header to a  $j^{th}$  data subset of the restored original user data set, at Figure 7 reference character 42-32, col. 3, lines 21-25, Figure 11 and Figure 3. However, these portions merely disclose a cell handling unit that terminates an AAL2 link and converts AAL2 channel to an AAL2 prime channel, and that in the multiplexing operation, ATM cells containing AAL2 packets mapped according to the AAL2 prime protocol are received and the AAL2 packets are moved to outgoing ATM cells and mapped according to AAL2. These portions do not disclose or suggest generating one or more AAL2 cells by multiplexing M CPS packets, as recited in the claims of the present application. These portions merely relate to a cell handling unit that converts an AAL2 channel to an AAL2 prime channel making it possible to carry individual AAL2 channel in an ATM-VCC inside the conventional ATM switch. This has nothing to do with multiplexing CPS packets, or an AAL2 transmitter that generates one or more AAL2 cells by multiplexing CPS packets.

The Examiner further asserts that Petersen discloses restoring the original user dataset by demultiplexing the CPS packets, at col. 3, lines 17-21, Figure 11 reference characters 260 and 268, Figure 13B, reference character 13B-13 and Figure 13F, reference character 13F-12. However, these portions merely disclose an ATM demultiplexing, AAL2 demultiplexing, that the cell handling unit uses ATM cells having AAL2 packets to form ATM cells containing AAL2 packets mapped according to the AAL2 prime protocol, and AAL2 cell demultiplexing. These

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portions do not disclose or suggest anything related to restoring the original user dataset by demultiplexing the CPS packets, as recited in the claims of the present application. Petersen relates to demultiplexing AAL2 packets in ATM cells bearing AAL2 packets into ATM cells having the AAL2 prime protocol (see, col. 22 lines 12-14). In contrast, the limitations in the claims of the present application relate to demultiplexing CPS packets to restore the original user data set.

Regarding claims 2, 3, 5, 7, 8, 10, 12, 13, 15, 17, 18, 20 and 21, Applicant submits that these claims are dependent on one of independent claims 1, 6, 11 and 16 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicants submits that Peterson et al. does not disclose or suggest the limitations in the combination of each of claims 1-3, 5-8, 10-13, 15-18, 20 and 21 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

### **35 U.S.C. §103 Rejections**

Claims 4 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen et al in view of Strawczynski et al. Applicant respectfully traverses these rejections and submits that these claims are dependent on one of independent claims 1 and 11 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Applicant submits that Strawczynski et al does not overcome the substantial defects noted previously regarding Petersen et al.

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Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 4 and 14 of the present application. Applicant respectfully request that these rejections be withdrawn and that these claims be allowed.

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### CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that claims 1-21 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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